

AMENDED IN SENATE JUNE 4, 2003

AMENDED IN SENATE MAY 20, 2003

AMENDED IN SENATE APRIL 22, 2003

**SENATE BILL**

**No. 445**

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**Introduced by Senator Kuehl**

February 20, 2003

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An act to amend Sections 31402.2 and 31402.3 of the Public Resources Code, and to repeal Section 6 of Chapter 518 of the Statutes of 2002, relating to coastal access.

LEGISLATIVE COUNSEL'S DIGEST

SB 445, as amended, Kuehl. Coastal access: State Coastal Conservancy.

(1) Existing law requires the State Coastal Conservancy to accept any outstanding offer to dedicate a public accessway that has not been accepted by another public agency or nonprofit organization within 90 days of its expiration date.

This bill would make a clarifying change in that provision.

(2) Existing law requires the conservancy to open at least 3 public accessways each year either directly or by awarding grants to public agencies or nonprofit agencies for that purpose.

This bill would condition that requirement on the extent that funds are available for that purpose.

(3) Existing uncodified law authorizes the conservancy to transfer public access easements or other less-than-fee interests in property to a public agency or nonprofit organization for development, management, or public use, and to enter into agreements with those entities for those same purposes.

This bill would codify those provisions and make related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 31402.2 of the Public Resources Code  
2 is amended to read:

3 31402.2. The conservancy shall accept any outstanding offer  
4 to dedicate a public accessway, described in Section 31402.1, that  
5 has not been accepted by another public agency or nonprofit  
6 organization within 90 days of its expiration date.

7 SEC. 2. Section 31402.3 of the Public Resources Code is  
8 amended to read:

9 31402.3. (a) To the extent that funds are available in the  
10 Coastal Access Account Fund, the conservancy shall open at least  
11 three public accessways each year either directly or by awarding  
12 grants to public agencies or nonprofit organizations.

13 (b) The conservancy may transfer public access easements or  
14 other less-than-fee interests in property to an appropriate public  
15 agency or nonprofit organization for development, management,  
16 or public use, or may enter into agreements with public agencies  
17 and nonprofit organizations for the development, management, or  
18 public use of the accessway. Transfer under this section is not  
19 subject to approval by the Department of General Services  
20 pursuant to Section 11005.2 of the Government Code. The  
21 conservancy shall retain the right to reclaim the easements or other  
22 interests in the event that the public agency or nonprofit  
23 organization ceases to exist, is no longer able to manage the  
24 accessway, or violates the terms of the agreement.

25 (c) Before a nonprofit organization may accept an offer to  
26 dedicate an interest in real property under Division 20  
27 (commencing with Section 30000), the nonprofit organization  
28 shall do all of the following:

29 (1) Submit satisfactory proof to the executive director of the  
30 commission that the nonprofit organization has been approved as  
31 a tax exempt public benefit corporation under Section 501(c)(3)  
32 of the Internal Revenue Code, and has filed a Form 990 with the  
33 Internal Revenue Service.



1 (2) Submit a management plan ~~acceptable~~ to the executive  
2 director of the commission and the Executive Officer of the  
3 conservancy that describes the nonprofit organization's planned  
4 management and operation of the interest.

5 (3) Grant a right of entry that permits the conservancy to  
6 reclaim or assign the interest to another public agency or nonprofit  
7 organization, if the conservancy and the commission determine  
8 that the nonprofit organization is not managing or operating the  
9 interest consistent with the management plan developed pursuant  
10 to paragraph (2).

11 (d) A public accessway accepted pursuant to Section 31402.2  
12 may not be developed, improved, or formally opened for public  
13 use until its transfer, development, or public use has been  
14 authorized by the conservancy.

15 (e) The conservancy may not use moneys appropriated from  
16 the General Fund for the purposes of this section.

17 SEC. 3. Section 6 of Chapter 518 of the Statutes of 2002 is  
18 repealed.

